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August 24, 2023

Hon. Katherine Polk Failla, U.S.D.J.
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007
VIA ECF

MEMO ENDORSED

Re: Choinski v. Brown Meadow, Inc. et al.
Docket No.: 22-cv-01058-KPF

Dear Judge Failla,

I represent Plaintiff in this matter. Along with defense counsel, I am submitting a joint request to adjourn the conference presently set for August 30, 2023 to September 7, 2023 or to any day thereafter agreeable to Your Honor. We are seeking Your Honor's indulgence with yet another request for an adjournment but we are optimistic that this will be the last one.

The reason for this request is that counsel for the parties finally agreed on the text of the settlement agreement and an affidavit of confession of judgment that takes into account both sides concerns. We have conveyed the documents to our respective clients and have every reason to believe that they will sign them. We expect to receive the signed documents some time next week. As Plaintiff is still in Poland for his daughter's wedding this weekend, he will be able to review the documents by the middle of next week and convey them to me via email. Mr. Brennan advises that his client should also be able to do so at that time. We are just giving ourselves enough time to account for any delays in obtaining the signed documents and drafting the Cheeks motion.

We realize that the negotiations in this case lasted longer than those that culminated in the Lateran Treaties but we believe that Your Honor's indulgence will allow the parties to conclude this matter without further proceedings, save for the motion to approve the settlement.

In this regard, counsel request the conference presently set for August 30, 2023 to September 7, 2023 or to any day thereafter.

Respectfully submitted,

/s/ Robert Wisniewski
Robert Wisniewski

cc:

Frank Brennan, Esq. via ECF
Counsel for Defendants

Application GRANTED. The initial pretrial conference currently set for August 30, 2023, is hereby ADJOURNED to **September 26, 2023, at 3:30 p.m.** To the extent the parties have indeed reached a settlement agreement, they are instructed to file *Cheeks* briefing on or before **September 21, 2023**, in lieu of the pre-conference papers, and to request that the Court adjourn the initial pretrial conference sine die.

The Clerk of Court is directed to terminate the pending motion at docket number 50.

Dated: August 25, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE